

YEAS—24.

Brown,	Houston,	Ross,
Buchanan,	Lightfoot,	Stewart,
Burges,	Martin,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Rainey,	Wynne.

NAYS—4.

Burton,	Davis,	Duncan.
Davenport,		

Main question ordered, and the amendment of Senator Gooch, as amended, passed by the following vote:

YEAS—28.

Brown,	Hightower,	Rainey,
Buchanan,	Homan,	Ross,
Burges,	Houston,	Stewart,
Burton,	Lightfoot,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,		

NAYS—none.

The substitute of Senator Duncan was lost by the following vote:

YEAS—4.

Burton,	Davis,	Duncan,
Davenport,		

NAYS—24.

Brown,	Houston,	Ross,
Buchanan,	Lightfoot,	Stewart,
Burges,	Martin,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Rainey,	Wynne.

The bill was ordered engrossed by the following vote:

YEAS—19.

Brown,	Lightfoot,	Stewart,
Buchanan,	McLane,	Stubbs,
Gooch,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,		

NAYS—9.

Burges,	Davis,	Martin,
Burton,	Duncan,	Ross,
Davenport,	Harris,	Swain.

The President laid before the Senate substitute House bill No. 43, "An act to repeal all laws granting lands or land certificates," with Senate amendment in which the House refuses to concur.

On motion of Senator Swain, the Senate recessed from its amendment.

The President presented to the Senate the following invitation, which was read by the Secretary.

AUSTIN, April 18, 1882.

Hon. L. J. Storey, President of the Senate:

SIR—I have the honor to extend to you, and through you to the members and officers of the Senate, an invitation to attend the annual celebration and picnic of the Austin Fire Department, at Pressler's Garden, on San Jacinto Day, April 21, 1882.

Respectfully,

JOHN P. KIRK,

Recorder Austin Fire Department.

Senator Ross moved to call up Senate bill No. 26, "An act to provide for the destruction of certain engraved bonds of the State, engraved under an act approved April 4, 1879, and which were never used." Adopted, and bill taken up and read second time, with report of committee and committee amendments.

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Committee amendments adopted and bill ordered engrossed.

On motion of Senator Terrell, rules were suspended to place bill on its third reading by the following vote:

YEAS—23.

Brown,	Harris,	Moore,
Buchanan,	Hightower,	Rainey,
Burges,	Homan,	Ross,
Burton,	Houston,	Terrell,
Davenport,	Lightfoot,	Tilson,
Davis,	McLane,	Weatherred,
Duncan,	McDonald,	Wynne.
Gooch,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—25.

Brown,	Homan,	Rainey,
Buchanan,	Houston,	Ross,
Burton,	Lightfoot,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Hightower,		

NAYS—none.

Senator Gooch, chairman of Committee on State Affairs, by leave, submitted the following report, and moved its adoption.

COMMITTEE ROOM,
AUSTIN, April 18, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have had under consideration the invitation of the citizens and firemen of Palestine, Anderson county, to the Senate, to join in celebrating San Jacinto Day. The time of the present session is so limited, and the business before it so important and urgent, that it would be unwise to accept it; we therefore recommend that the Senate decline the invitation, but express due appreciation for its extension. PATTON, Chairman.

Report adopted.

Senator Terrell moved to accept the invitation of the firemen of Austin to attend a picnic to be held at Pressler's Garden on the twenty-first instant. Adopted.

On motion of Senator Homan, Senate adjourned till 9:30 a. m. to-morrow.

TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 19, 1882. }

Senate met pursuant to adjournment.

Lieutenant-Governor Storey in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Swain, the reading of the journal of yesterday was dispensed with.

Senator Shannon introduced a bill to be entitled "An act to authorize district judges to fix times for holding district courts in newly organized counties." Referred to Committee on Judicial Districts.

Senator Henderson, chairman of Committee on Asylums, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 18, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Asylums, to whom was referred a memorial signed by the president of the board of directors of the State Lunatic Asylum has considered the same, and instruct me to report the accompanying bill and to recommend its passage. The burning of one of the asylum buildings during the present session renders immediate relief necessary that its late inmates may be temporarily provided for.

HENDERSON, Chairman.

Bill read first time.

Senator Patton, chairman of Committee on State Affairs, by leave, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 18, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs, to whom was referred a petition of the county officers of Comanche county, asking an appropriation by the Legislature to pay officers' costs in certain ejectment suits, brought by the county attorney of said county, against parties who have purchased asylum lands in said county and failed to pay for the same, and who are unable and unwilling to pay said costs; also asking a small appropriation to pay costs of citation by publication against parties who have transferred their claims to other parties, and removed to parts unknown; after a careful examination of said petition and that the subjects upon which legislation is desired are not embraced in the Governor's proclamation convening the Legislature in extra session, and for this reason the relief applied for can not be granted.

PATTON, Chairman.
COMMITTEE ROOM,
AUSTIN, April 19, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 26, "An act to provide for the destruction of certain engraved bonds of the State, which were never used, engraved under acts approved April 21, 1879, and August 5, 1879," and find the same correctly engrossed.

PATTON, Chairman.

Senator Tilson presented certain letters to his Excellency, the Governor, from Ann Thomas, A. U. Wright and others, respecting land claims, pensions, etc., and petitioning for relief from the Legislature. Referred to Committee on Private Land Claims.

The President laid before the Senate Senate bill No. 27, "An act to authorize the appointment of commissioners to survey and establish the boundary line between the State of Texas and the Indian Territory of the United States, and making an appropriation to defray the necessary expenses of said commission," being unfinished business.

The question being on the adoption of the substitute offered by Senator Terrell, the bill and substitute were read the second time.

On motion of Senator Lightfoot, the Senate adopted the substitute.

Bill ordered engrossed.

On motion of Senator Terrell, rules were suspended to put the bill on its third reading by the following vote:

YEAS—30.

Brown,	Hightower,	Rainey,
Buchanan,	Homan,	Ross,
Burges,	Houston,	Shannon,
Burton,	Lair,	Stewart,
Davenport,	Lightfoot,	Stubbs,
Davis,	Martin,	Swain,
Duncan,	McLane,	Terrell,
Gooch,	McDonald,	Tilson,
Harris,	Moore,	Weathered,
Henderson,	Patton,	Wynne.

NAYS—none.

A message was received from the House announcing the passage by that body of House bill No. 46, "An act to authorize the appointment of commissioners to run and establish the boundary line between the State of Texas and the Indian Territory of the United States, and making an appropriation to defray the necessary expenses of said commission."

Also, the passage of House bill No. 56, "An act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 15, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082 of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879." Referred to Committee on Printing.

Senator Gooch moved that House bill No. 46, just reported from the House, be substituted for the pending bill of similar import.

Senator Lightfoot moved that pending bill and substitute and House bill No. 46 be referred to Committee on Federal Relations. Adopted and bill referred.

Senator Patton, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 19, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined substitute for Senate bill No. 20, "An act to set apart and appropriate two million acres of land for the benefit of the University of Texas, out of the reservations made by the act of July 14, 1879, and to provide for the survey, location and sale of the same," and find it correctly engrossed.

PATTON, Chairman.

The following messages were received from his Excellency the Governor:

EXECUTIVE OFFICE,
AUSTIN, April 17, 1882.

To the Honorable Senate and House of Representatives in Legislature assembled:

I respectfully herewith submit for your consideration and action the communication of the Hon. A. W. Spaight, Commissioner of Insurance, Statistics and History, in regard to the purchase of some fire extinguishers, and recommend a favorable consideration of the same.

Respectfully submitted,

O. M. ROBERTS, Governor.

DEPARTMENT OF INSURANCE, STATISTICS AND HISTORY,

AUSTIN, TEXAS, April 14, 1882.

To His Excellency, O. M. Roberts, Governor:

SIR—I deem it my duty, as ex-officio Superintendent of Public Buildings and Grounds, to bring to your notice to the urgent necessity which, in my judgment, exists for an appropriation at the present session of the Legislature for the purchase of fire extinguishers as a protection against fire.

After a careful investigation, I am prepared to say that the fire extinguisher is no longer an untried experiment. It has been adopted, after thorough preliminary trial, by the fire departments of many large cities, and has been found, in actual use, to be a most effective agent in the extinguishment of fire. Many, if not all, the large cotton warehouses and presses in this State have had them in use for a sufficient length of time to test their value, and my information is that they have given entire satisfaction. Considering that the contents of all the offices of the executive department and of the Supreme Court library are mainly books and papers which would be greatly damaged by the use of water in putting out a fire, I am of the opinion that, even if an ample supply of water and the appliances for its use were now in existence, still it would be a wise economy to provide fire extinguishers for the offices and halls named. But I think it were more important that the three asylums, situated, as they are, at such a distance from the city as to deprive them of prompt aid from the fire department, should be immediately supplied with these modern appliances for the extinguishment of fire.

The best estimate I can make as to the number of extinguishers that would be required is sixty, viz: ten (10) for each of the asylums, five (5) for the Land Office, five (5) for the Comptroller's and Treasurer's offices, five (5) for the Appellate Court rooms and law library, five (5) for the Governor's Mansion, and ten (10) for the other executive offices and the halls of the Legislature. A less number, indeed, might be deemed sufficient, but it is thought to be better to err on the safe side. It is understood that fire extinguishers of the most approved pattern can be bought for \$50 apiece by retail, and, perhaps for twenty-five per cent less for the number required, say sixty for \$2250.

I have the honor to be, very respectfully,

A. W. SPAIGHT, Commissioner.

Referred to Committee on Public Buildings.

EXECUTIVE OFFICE,
AUSTIN, April 19, 1882.

To the Honorable Senate and House of Representatives, in the Legislature assembled:

I respectfully submit a memorial of Messrs. Cunningham & Ellis, the lessees of the penitentiary.

It is estimated that the buildings contracted for will not consume all of the hire of the convicts up to the end of the lease, and that there will be a balance then due. Still, as it may not be enough to pay for the materials and tools and machinery then on hand that can be utilized, and will be needed afterwards in the penitentiary, it may be proper to make an appropriation now to meet such a contingency.

Respectfully submitted,

O. M. ROBERTS, Governor.

AUSTIN, TEXAS, April 15, 1882.

To his Excellency, O. M. Roberts, Governor of Texas:

Your memorialists, E. H. Cunningham and L. A. Ellis, who are the present lessees of the State penitentiary at Huntsville, would respectfully represent to your Excellency that the existing lease, of date the seventeenth day of December, 1877, will, by the terms of said lease, expire on the first day of January, A. D. 1883, and before the regular session of the next, the Eighteenth Legislature.

That by the terms of said lease the State of Texas will be required to receive and pay for all such material, machinery and tools as the lessees may have on hand over and above the amount of such material, machinery and tools received by them from the State upon their taking charge and control of said penitentiary under said lease, such as was necessary to the proper management of the same.

They further represent that upon the expiration of said lease, to-wit, on the first day of January, 1883, said lessees will have on hand a large amount of material, machinery and tools over and above the amount received by them from the State under their said contract, all of which is and will be necessary for the proper operation and management of said penitentiary.

They further represent that the appropriation made by the last regular session of the Legislature has been expended in improvements made under the direction of the penitentiary board, for improvements made at Huntsville and ask for the accommodation and security of an increased number of convicts, and for the profitable employment of convicts within the walls, and this amount proved insufficient for properly carrying out the object of the law.

Wherefore, in order to effect a prompt, just and equitable settlement with said lessees, upon the expiration of said lease, and a fair adjustment and settlement of accounts between the State and said lessees on the termination of said contract, it will be necessary that an additional appropriation be made of an amount not less than \$40,000.

Your memorialists pray that your Excellency take into consideration the questions involved in this memorial, and respectfully request your Excellency to make such recommendations to the Legislature now in session, as to you may seem just, equitable and proper in the premises.

All of which is respectfully submitted.

CUNNINGHAM & ELLIS.

Referred to Committee on Penitentiaries.

The President laid before the Senate, Senate bill No. 19, "An act to amend articles 3602 and 3603, of chapter 10 of the Revised Civil Code, entitled 'of hiring county convicts.'"

Senator Henderson offered the following amendment for committee substitute to article 3602: "Provided, further, that after any county convict so hired out, shall have paid off the costs assessed against him, he shall be entitled to a credit of \$1 per day on his fine, and he shall be discharged when the fine and costs have been paid off as herein provided."

On motion of Senator Houston, Senator Homan was excused till afternoon Friday.

(Senator Houston in the chair.)

Substitute for committee amendment was lost by the following vote:

YEAS—11.

Buchanan,	Lightfoot,	Swain,
Burges,	Patton,	Terrell,
Henderson,	Rainey,	Wynne.
Hightower,	Ross,	

NAYS—18.

Brown,	Harris,	Moore,
Burton,	Houston,	Shannon,
Davenport,	Lair,	Stewart,
Davis,	Martin,	Stubbs,
Duncan,	McLane,	Tilson,
Goach,	McDonald,	Weathered.

Senator Burges moved to recommit the bill with amendments.

Senator Stubbs offered the following substitute: A bill to be entitled "An act to amend articles 3602, 3603 and 3609 of chapter 10 of the Revised Civil Code, entitled 'of hiring county convicts,' and to add to said chapter two new articles, viz: articles 3609a and 3609b."

SECTION 1. Be it enacted by the Legislature of the State of Texas, That articles 3602, 3603 and 3609 of chapter 10 of the Revised Civil Code,

entitled 'of hiring county convicts,' be so amended as to hereafter read as follows, and that articles 3609a and 3609b be added to said chapter:

ARTICLE 3602. Any person who may be convicted of a misdemeanor or petty offense, and who shall be committed to jail in default of the payment of the fine and costs adjudged against him, or whose punishment shall be assessed at imprisonment in the county jail, may be hired out to any individual, company or corporation, until the money received from his hire is sufficient to liquidate such fine and costs in full, or for the term of imprisonment in the county jail which may have been assessed against him, and the proceeds of such hiring, as soon as collected, shall be applied first to the payment of the costs, and next to the payment of the fine; provided, that any county convict who shall be hired out for failure to pay a fine and costs assessed against him, shall have the right to pay such fine costs, or the balance due to the county judge, at any time after he may be so hired out, and on such payment, the county judge shall, immediately, issue an order for his release and discharge; provided, further, that any convict hired out to pay a pecuniary fine and costs shall be allowed a credit thereon of one dollar per day, and he shall be discharged when the fine and costs shall have been satisfied at that rate; and no person who shall be convicted of a misdemeanor, where the punishment assessed against him is a pecuniary fine only, shall be hired out for a longer period than two years.

Art. 3603. Such hiring may be either by private contract or at public auction, as may be deemed best for the interest of the country; or it may be by general contract for any specified term, embracing the labor of all county convicts of the class prescribed in the preceding article, at some fixed rate per day, week or month; provided, that no county convict shall be hired out of the limits of the county in which he may be convicted. And convicts shall in all cases be hired at public auction when so demanded by them. And any county judge or member of the commissioners' court offending the provisions of this article shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than one hundred dollars.

Art. 3609. Whenever the amount realized from the hire of a convict is sufficient to discharge the costs adjudged against him, the county judge shall issue a warrant upon the county treasurer in favor of each officer to whom costs may be due, for the amount of his costs, and the same shall be paid out of the road fund of the county, or out of any other funds in the county treasury, not otherwise appropriated.

Art. 3609a. It is hereby made the duty of the county judge, at least once a month, to personally inspect and examine into the condition and treatment of the convicts so hired out, in order to determine whether the conditions of the bond are complied with by the hirer, and if the county judge is satisfied that the convict is not properly or humanely treated, or that the bond in other respects is not observed, he shall cancel the contract, but the hirer and his sureties shall forfeit and be liable for the full amount of his bond, which forfeiture shall be recoverable by suit in any court of competent jurisdiction.

Art. 3609b. When a convict so hired refuses to labor or is otherwise refractory or insubordinate, upon clear and satisfactory evidence thereof being given to the county judge, the convict may be surrendered up and the contract canceled. In such case the convict shall be allowed a credit while in jail of only fifty cents a day on his fine and costs, and he shall, if practicable, be again hired out, and the same consequences shall attach for every repetition of the insubordination; but the hirer shall, in no instance, inflict corporal or other punishment.

Senator Tilson offered an amendment to the substitute of Senator Stubbs. Ruled out of order unless the motion to recommit was withdrawn.

Senator Burges withdrew his motion to recommit to give opportunity for Senators to offer amendments.

Senator Henderson renewed the motion of Senator Burges to recommit.

Senator Tilson moved the previous question on the motion to recommit. Motion seconded and main question ordered.

The motion to recommit the bill was adopted by the following vote:

YEAS—21.

Brown,	Lair,	Rainey,
Buchanan,	Lightfoot,	Ross,
Burges,	Martin,	Shannon,
Harris,	McLane,	Swain,
Henderson,	McDonald,	Terrell,
Hightower,	Moore,	Tilson,
Houston,	Patton,	Wynne.

NAYS—7.

Davenport, Davis, Duncan,	Gooch, Stewart,	Stubbs, Weatherred.
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Senators Gooch and Stubbs gave notice that they would spread their reasons on the record for voting against recommitting the bill and protest against delaying action on the above bill relating to hiring county convicts.

Senator Henderson moved to suspend rules and take up Senate bill No. 38, "An act to provide temporary shelter for the lunatics in the asylum rendered necessary by the recent burning of the Lunatic Asylum building." Adopted, and bill taken up.

Senator Henderson moved to suspend the rules to read the bill second time. Adopted by the following vote:

YEAS—23.

Buchanan, Burgess, Burton, Davenport, Davis, Duncan, Gooch, Harris, Henderson, Hightower,	Houston, Lair, Lightfoot, Martin, McLane, McDonald, Moore, Patton, Rainey,	Ross, Shannon, Stewart, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—none.

Bill read second time and ordered engrossed.

On motion of Senator Gooch, rules were suspended to put bill on its third reading by the following vote:

YEAS—24.

Brown, Burgess, Burton, Davenport, Davis, Duncan, Gooch, Harris,	Henderson, Hightower, Houston, Lair, Lightfoot, Martin, McLane, McDonald,	Moore, Patton, Rainey, Ross, Shannon, Stubbs, Weatherred, Wynne.
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NAYS—none.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan, Burgess, Burton, Davenport, Davis, Duncan, Gooch, Harris, Henderson,	Hightower, Houston, Lair, Lightfoot, Martin, McLane, McDonald, Moore, Patton,	Rainey, Shannon, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—none.

(The President in the chair.)

The President laid before the Senate substitute bill No. 20, "An act to set apart and appropriate two million acres of land for the benefit of the University of Texas out of the reservation made by act of July 14, 1879, and to provide for the survey, location and sale of the same," the question being on the final passage of the bill.

Senator Stubbs entered motion to reconsider the vote by which the Senate receded from Senate amendment to House bill No. 43.

A message was received from the House announcing the passage of substitute for House bills Nos. 1, 5, 36 and 41, "An act to apportion the State into congressional districts." Referred to Committee on Congressional Districts.

Senator Duncan offered the following amendment to pending bill: Amend the bill by striking out "two million acres for the University" and insert "one million acres for the University and the public free schools in equal portions; the portion for the schools to be surveyed in alternate sections with the University sections; the expense of the survey to be paid out of the public free school fund and University fund in equal portions."

Senator Houston moved the previous question on the amendment and bill.

Senator Duncan moved a call of the Senate. Motion seconded.

Roll called; absent, Senator Davis.

Senator Henderson moved that Senator Davis be excused.

Adopted by the following vote, and the Senator excused:

YEAS—20.

Brown, Buchanan, Burgess, Harris, Henderson, Hightower, Houston,	Lightfoot, McDonald, Moore, Patton, Rainey, Ross, Stewart,	Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—8.

Burton, Davenport, Duncan,	Gooch, Lair, Martin,	McLane, Shannon.
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Senator Swain offered a substitute.

Senator Houston raised the point of order that a substitute was out of order pending the previous question. Chair sustained the point of order.

The main question ordered by the following vote:

YEAS—17.

Brown, Buchanan, Harris, Henderson, Hightower, Houston,	Lightfoot, McLane, McDonald, Moore, Patton, Rainey,	Stubbs, Terrell, Tilson, Weatherred, Wynne.
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NAYS—11.

Burgess, Burton, Davenport, Duncan,	Gooch, Lair, Martin, Ross,	Shannon, Stewart, Swain.
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Senator Duncan's amendment was lost by the following vote:

YEAS—6.

Burton, Davenport,	Duncan, Lair,	Ross, Shannon.
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NAYS—22.

Brown, Buchanan, Burgess, Gooch, Harris, Henderson, Hightower, Houston,	Lightfoot, Martin, McLane, McDonald, Moore, Patton, Rainey,	Stewart, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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The bill passed by the following vote:

YEAS—18.

Brown, Buchanan, Burgess, Gooch, Henderson, Hightower,	Lightfoot, McLane, McDonald, Moore, Patton, Rainey,	Stewart, Stubbs, Terrell, Tilson, Weatherred, Wynne.
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NAYS—10.

Burton, Davenport, Duncan, Harris,	Houston, Lair, Martin,	Ross, Shannon, Swain.
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On motion of Senator Rainey, Senate adjourned till 9:30 a. m. to-morrow.

THIRTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 20, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. Smoot, Chaplain.